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**Attorney for Defendant  
OMAR CASTRO-ALEJO**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Case No. 2:20-cr-169 WBS  
Plaintiff, )  
vs. )  
OMAR CASTRO-ALEJO, ) **STIPULATION AND ORDER TO**  
Defendant. ) **CONTINUE STATUS CONFERENCE AND**  
 ) **EXCLUDE TIME**  
 ) Date: June 21, 2021  
 ) Time: 9:00 a.m.  
 ) Judge: Hon. William B. Shubb  
 )  
 )

By this stipulation, the parties move to continue the status conference until July 12, 2021 at 9:00 a.m., and to exclude time between June 21, 2021 and July 12, 2021, under Local Code T4.

The parties agree and stipulate, and request that the Court find the following:

a. The government has produced discovery which defense counsel will need further time to review and discuss with the defendant because of the difficulties of communicating with Mr. Castro-Alejo at the jail during the pandemic.

b. Defense counsel believes that failure to grant the above-requested continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c. Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the

1 original date prescribed by the Speedy Trial Act.

2 d. For the purposes of computing time under the Speedy Trial Act, 18 U.S.C. §  
3 3161, et seq., within which trial must commence, the time period of June 21, 2021 to July 12,  
4 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
5 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
6 of the Court's finding that the ends of justice served by taking such action outweigh the best  
7 interest of the public and the defendant in a speedy trial.

8 Nothing in this stipulation and order shall preclude a finding that other provisions of the  
9 Speedy Trial Act dictate that additional time periods are excludable from the period within which  
10 a trial must commence.

12 DATED: June 10, 2021

Respectfully submitted,

13 HEATHER E. WILLIAMS  
14 Federal Defender

15 /s/ Noa E. Oren  
16 NOA E. OREN  
17 Assistant Federal Defender  
Attorney for OMAR CASTRO-ALEJO

18 DATED: June 10, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

20 /s/ Justin Lee  
21 Justin Lee  
22 Assistant United States Attorney  
Attorney for Plaintiff

## ORDER

The Court, having received, read, and considered the stipulation of the parties, and good cause appearing, adopts the stipulation in its entirety as its order. The Court specifically finds that the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial. Moreover, the ongoing COVID-19 pandemic has led to the suspension of jury trials in this district since March 17, 2020, and the General Orders of this court issued in connection with the pandemic allow for continuances and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required. General Orders 611, 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial Council of the Ninth Circuit suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial emergency in this district until May 2, 2021. See In re Approval of the Judicial Emergency Decl. in the E. Dist. of Cal., 956 F.3d 1175 (9th Cir. Judicial Council 2020).

The Court orders a status conference on July 12, 2021, at 9:00 a.m. The Court orders the time from June 21, 2021 up to and including July 12, 2021, excluded from computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. §§3161(h)(7), and Local Code T4.

Dated: June 10, 2021

William B. Shubb  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE